

Remarks

This Amendment is responsive to the non-final Office Action mailed February 25, 2004. In this Office Action, claims 1-26 and 43-55 were allowed and claim 56 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By virtue of their dependency to claim 56, claims 57-69 were also rejected under 35 U.S.C. § 112, second paragraph. Also in the Office Action, claims 70-79 were deemed by the Examiner to be directed to an invention that is independent and distinct from the originally-claimed invention, and therefore, were withdrawn from consideration pursuant to 37 C.F.R. § 1.142(b) as being directed to a non-elected invention.

As a result of this Amendment, claim 56 is hereby amended to address the 35 U.S.C. § 112 rejections noted above. Also, claim 56 and claims 3, 4, 14, 17, 46, 57, 58, 59 and 60 are hereby amended in order to correct minor informalities or for clarification purposes, as described in greater detail below. Claims 70-79 are hereby canceled without prejudice. Claims 1-26 and 43-69 are now pending. Reconsideration of the application is respectfully requested in light of the above amendments and in consideration of the following remarks.

A. Claims 70-79

In this Amendment, claims 70-79 are hereby cancelled without prejudice. The cancellation of claims 70-79 is not an admission by Applicant that the reasoning for restricting/constructively electing and subsequently withdrawing these claims is or is not proper. Moreover, such cancellation is not an acquiescence of the examiner's statement that Garner Jr (2002/0096537) reads on claims 70-79. Indeed, Applicant reserves the right to file and pursue further prosecution of these claims in a properly-filed continuing application.

B. 35 U.S.C. § 112 Rejections

Claim 56 is hereby amended to address the examiner's reasoning for rejecting this claim under 35 U.S.C. § 112, second paragraph, and therefore, is now believed to be in allowable form. It should be appreciated that these amendments to address the 35 U.S.C. § 112, second paragraph rejections are not being made to distinguish claim 56 over any of the cited art of record, and as such, the amendments thereto should not be considered to be "narrowing" amendments.

Claims 57-69 depend from claim 56. Because claim 56 is now presented in allowable form, claim 57-69 are also now believed to be in allowable form.

C. Comments on the Examiner's Statement on Reasons for Allowance

Applicant sincerely appreciates the identification of allowability of claims 1-26 and 43-55 (and presumably claims 56-69) and acknowledges the Examiner's reasons for allowance provided on page 3 of the February 25th Office Action. Applicant respectfully notes that these reasons for allowance are not the only reasons that claims 1-26 and 43-69 are allowable over the art of record. Indeed, further reasons for allowance of these claims beyond those enumerated in the Examiner's statement are described and set forth in the specification of the present application.

D. Amendments to Claims 3, 4, 14, 17, 46, 56, 57, 58, 59 and 60

In addition to the amendments to claim 56 addressing the 35 U.S.C. §112, second paragraph rejections, claims 3, 4, 14, 17, 46, 56, 57, 58, 59 and 60 are hereby amended as follows:

(a) Claims 14 and 17 are hereby amended in order to correct certain typographical errors; and

(b) Claims 3, 4, 46, 56, 57, 58, 59 and 60 are hereby amended to clarify the subject matter regarded as the invention recited respectively therein.

It should be appreciated the amendments to claims 3, 4, 14, 17, 46, 56, 57, 58, 59 and 60 are not being made to distinguish these claims over any of the cited art of record, and as such, the amendments thereto should not be considered to be "narrowing" amendments.

E. Note Regarding Amendment filed on December 19, 2003

In the Amendment filed on December 19, 2003, Applicant erroneously noted in the parenthetical expression of the claims listing that the status of claims 7, 8, 9, 19, 20, 21, 24, 25, 44, 49, 50 and 51 was "Previously Presented." Instead, the status for each of these claims should properly have read "original" as neither of these claims were amended from the original form.

As such, it is noted that the parenthetical expressions accompanying these claims in the claims listing included in this present Amendment read the proper status for these claims as being “original.”

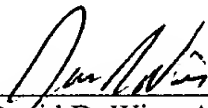
CONCLUSION

This Amendment is believed to be fully responsive to all points raised in the non-final Office Action mailed February 25, 2004. Should the Examiner have any remaining questions or concerns, he/she is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns. No fees are believed due for the submission of this Amendment into the present application. However, if this is not the case, please charge any required fees, including any extension fees under 37 C.F.R. §1.136(a) necessary to maintain pendency of the present application, to Deposit Account No. 13-2725.

Respectfully submitted,

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